IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO: 986 of 2005**

Between:

Muddasani Kamala W/o.Ramchander Rao
R/o.Rukamapur Village, Choppadandi Mandal Karimnagar

District.

**... PETITIONER**

AND

1 Mandal Revenue Officer Choppadandi Mandal, Karimnagar

District.
2 Revenue DivisionalOfficer Karimnagar District.
3 The District Collector Karimnagar District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, one more particularly in the nature of a writ of Mandamus declaring the action of the 1st respondent in issuing notice under Section 3 (2) of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 as being illegal, arbitrary, unconstitutional and without jurisdiction apart from bleing violative of the provisions of Act 9 of 1977 and consequently direct the respondents not to interfere with the petitioners rights in any manner.

**Counsel for the Petitioner: MR.S.NIRANJAN REDDY**

**Counsel for the Respondents: GP FOR REVENUE**

The Court, at the admission stage, made the following:

**ORDER:**

This writ petition is filed seeking a Mandamus declaring the action of the 1st respondent in issuing notices under Section 3 (2) of the A.P. Assigned Lands (Prohibition of Transfer) Act 1977 (for short 'the Act') as illegal and arbitrary and to further direct the respondents not to interfere with the petitioners rights in any manner.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. Petitioner, who claims to be the owner and possessor of the lands bearing Sy.Nos.30 and 38 admeasuring Ac.10.31 guntas situated at Rukmapur village of Choppadandi Mandal, Karimnagar District, questions the notice issued by the first respondent under Section 3 (2) of the Act. It is the case of the petitioner that when the Mandal Revenue Officer, Choppadandi mandal, without giving any opportunity to the petitioner, passed orders dated 31-03-1998, stating that the lands in question are Government lands, he preferred an appeal before the Revenue Divisional Officer, who confirmed the orders passed by the M.R.O. Aggrieved by the orders passed by the R.D.O., Karimnagar, petitioner preferred W.P.No.11875 of 1999, which was dismissed by this Court, against which petitioner also preferred W.A.No.899 of 1999, which was disposed of by this Court remitting the matter to the R.D.O., to decide the matter afresh. It is further stated that in pursuance of the orders passed by this Court in the aforementioned Writ Appeal, the R.D.O., Karimnagar heard the appeal and allowed the same in favour of the petitioner by order dated 31-03-2000. While things stood thus, the first respondent issued the impugned show cause notice and directed the petitioner to show cause why she should not be evicted under the provisions of the Act, and purported to state that the impugned show cause notice has been issued as per the orders of the R.D.O., dated 31-03-2000, which gave rise to filing of the present writ petition. It is further stated that petitioner is said to have submitted an explanation to the said show cause notice on 10-01-2005, but without considering the said explanation, the first respondent is

proceeding to take possession of the lands of the petitioner.

4. In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the first respondent, Mandal Revenue Officer, Choppadandi Mandal, Karimnagar District to consider the said explanation submitted by the petitioner after taking into consideration the order dated 31-03-2000 passed by the Revenue Divisional Officer, Karimnagar District and pass appropriate speaking order on the same, expeditiously, in accordance with law. Till such speaking order is passed, respondents are directed not to dispossess the petitioner from the subject lands.

The writ petition is accordingly disposed of at the admission stage.

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**N. V. RAMANA, J**

January 28, 2005

**Note:** Furnish copy by 01-02-05

**(B/o)**

**MRR / NSR**

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

**COPY TO:**

1 Mandal Revenue Officer Choppadandi Mandal, Karimnagar

District.
2 Revenue DivisionalOfficer Karimnagar District.
3 The District Collector Karimnagar District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)